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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 21, 2014

VIA CERTIFIED MAIL #7012 1010 0003 7399 1767
RETURN RECEIPT REQUESTED

VIA EMAIL

Mr. David Askanase
Hughes Watters & Askanase LLP
Three Allen Center
333 Clay, 29th Floor
Houston, Texas 77002
daskanase@hwallp.com Addressee

RE: Mobilization of TCEQ's Emergency Response Contractor
CES Environmental Services (located at 4904 Griggs Road, Houston, Texas)

Dear Mr. Askanase:

The Texas Commission on Environmental Quality ("TCEQ") appreciates your efforts in responding to the release of waste that occurred at the CES facility on March 16, 2014. However, the response actions you have been able to take so far are insufficient to alleviate the conditions at the site which pose an imminent and substantial endangerment to public health and safety or the environment due to a release or threatened release of hazardous substances.

Damage to the facility's gate and security fence has not been adequately repaired, allowing for continued public access to the facility. A site inspection conducted by TCEQ personnel on April 18, 2014, revealed ongoing releases of wastes from storage containers, waste remaining present on ground surfaces through the facility, and odors continuing to emanate from the facility.

The prevention of exposure of the area's residents, school children and other inhabitants to hazardous substances at the facility is of the highest priority to the TCEQ. Therefore, TCEQ will mobilize its emergency response contractor to address the critical items of concern at the site. These critical items include:

- 1) Necessary repairs of the site's security fence and gate.
- 2) Containerizing released or unconfined waste.
- 3) Addressing leaking storage containers.

TCEQ anticipates that its emergency contractor will mobilize on April 22, 2014, and expects the contractor to complete these tasks within three (3) days. TCEQ will seek recovery of any costs associated with the response action from all responsible parties.

TCEQ Region 12 • 5425 Polk St., Ste. H • Houston, Texas 77023-1452 • 713-767-3500 • Fax 713-767-3520

Mr. David Askanase
April 21, 2014
Page 2

The mobilization of TCEQ's emergency response contractor to address critical items does not affect your continuing responsibility to address other environmental issues at the facility. The TCEQ will continue to monitor conditions at the facility and requests that daily updates are provided to me regarding the progress made in addressing the storage, release or disposal of waste at the facility. Please contact me at (713) 767-3623.

Sincerely,



Nicole M. Bealle, P.G.
Special Assistant to the Regional Director
Texas Commission on Environmental Quality
Region 12 – Houston Office
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Houston, Texas 77023

cc: Ms. Denise Hubert, Bankruptcy Section, Office of Legal Services, TCEQ
Ms. Tammy Mitchell, Litigation Division, Office of Legal Services, TCEQ
Mr. Hal Morris, Managing Attorney, Bankruptcy Regulatory Section, OAG
Ms. Ashley Bartram, Assistant Attorney General, OAG
Ms. Monica Harris, Remediation Division, TCEQ
Mr. Jason Ybarra, TCEQ Region 12 – Houston
Mr. Kelly Cook, Critical Infrastructure, OCE, TCEQ